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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,014	05/05/2005	Shinya Kadono	2005_0637A	2743
53349 7590 05/26/2010 WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503				
EXAMINER				
ROBERTS, JESSICA M				
ART UNIT		PAPER NUMBER		
2621				
NOTIFICATION DATE		DELIVERY MODE		
05/26/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com

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Office Action Summary**Application No.**

10/534,014

Applicant(s)

KADONO, SHINYA

Examiner

JESSICA ROBERTS

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Application

Claims 1-12 have been cancelled by Applicants Amendment filed 02/26/2010.

Claims 13-15 have been added and are currently pending.

Response to Amendment

1. Applicant's arguments with respect to claims 13-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants Admitted Prior Art (herein referenced as AAPA) in view of Kadono et al., "Error robustness memory management control operation".

Regarding claim 13, AAPA teaches A picture coding method for coding a moving picture having a plurality of pictures, on a picture-by-picture basis, using a set of picture numbers repeatedly assigned in coding order to respective pictures included in the moving picture such that more than one of the pictures included in the moving picture has the same picture number, the picture coding method comprising: a first adding step of adding, using a first adding unit (A short term memory, [0010]), a first memory management command to a first picture (AAPA teaches where the picture coding apparatus codes the memory management command that instructs removal of an unnecessary picture from a memory and the memory management command that instructs moving of a picture from the short-term memory to the long-term memory, outputs them, and transmits them to the picture decoding apparatus, which decodes them. These memory management commands are added to the coded pictures for transmission, [0020]. Note: the picture has a picture number that ranges from 0-15) the first memory management command being information for managing the first picture (AAPA discloses where a memory management command includes a command to release a memory area of short-term memory where a picture unnecessary as a reference picture for predictive coding stored, [0015]) ; and a second adding step of adding, using a second adding unit (long term memory, [0009]-[0010]), a second memory management command to a point of a second picture the second memory management command being the same as the first memory management command (AAPA discloses where in the case where the picture added with the memory

management command is lost due to a transmission error or the like, the ordering of the pictures in the memory cannot be properly reconstructed on the part of the picture decoding apparatus, and thus the pictures cannot be decoded. In consideration of this problem, it is conceivable to transmit the memory management (MMCO) again. This retransmission of the memory management command allows proper reconstruction of picture ordering in the memory by the retransmitted memory management command even if the picture added the memory management command is lost due to a transmission error or the like, [0022]), wherein, in the second adding step ([0022]), the second memory management command is added to the point of the second picture (AAPA discloses where in the above picture decoding method, the picture coding apparatus codes the memory management command that instructs removal of an unnecessary picture from a memory and the memory management command that instructs moving of a picture from the short-term memory to the long-term memory, outputs them, and transmits them to the picture decoding apparatus, which decoded them. These memory management commands are added to the coded pictures for transmission, [0020]). AAPA does not explicitly disclose where a first picture having a predetermined picture number; the second picture being different from the first picture, and the first picture being located earlier than the second picture in coder order; after a determination is made that the first picture, from among a plurality of pictures each having the predetermined picture number, is located immediately previous to the second picture in coding order.

However, Kadono teaches a first picture (fig. 2, B6) having a predetermined picture number (see fig. 2 where it is disclosed that the pictures in the bitstream have a predetermined picture number, fig. 2 PN), the second picture (fig. P5) being different from the first picture (fig. 2), after a determination is made that the first picture, from among a plurality of pictures each having the predetermined picture number, is located immediately previous to the second picture in coding order (Kadono discloses that the pictures in the bitstream have picture numbers (PN), and where the first picture (B6) has a PN of 4 and the second picture (P5) has a PN of 7, see fig. 2. AAPA discloses where picture numbers are the number assigned in ascending order (coding order) in a coded picture stream, and also used for deriving the display order of pictures in the display memory, [0023]. Therefore, since Kadono discloses that the picture number of the second picture (P5) is 7 and the first picture is (B6) has a picture number of 4, and AAPA discloses that the picture numbers are assigned in ascending order, it is clear to the examiner AAPA modified by Kadono teaches where each picture with a picture number of 4 is located before the second picture in coding order which reads upon the claimed limitation).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Kadono with AAPA to improve the ability of error concealment.

Regarding claim 14, see the rejection and analysis made for claim 13, except this is a claim to a picture coding apparatus with the limitations of the method as claim 13, thus the rejection and analysis made for claim 13 also applies here.

Regarding claim 15, see the rejection and analysis made for claim 13.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA ROBERTS whose telephone number is (571)270-1821. The examiner can normally be reached on 7:30-5:00 EST Monday-Friday, Alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/Jessica Roberts/
Examiner, Art Unit 2621